



UNITED STATES DEPARTMENT OF COMMERCE
Pat nt and Trad mark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

De

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/207,130 12/08/98 CONRAD

D RA9-98-053

JOHN J TIMAR
IBM CORPORATION
972/B656
PO BOX 12195
RESEARCH TRIANGLE PARK NC 27709

LM02/0316

EXAMINER

ROBINSON ROYCE, A

ART UNIT

PAPER NUMBER

2765

DATE MAILED:

03/16/00

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

BEST AVAILABLE COPY

Office Action Summary

Application No.
09/207,130

Applicant(s)
Conrad, et al.

Examiner
Akiba Robinson-Boyce

Group Art Unit
2765



☒ Responsive to communication(s) filed on Dec 8, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-15 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-15 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2765

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 5, 6, 7, 8, 9, 12, 13, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnstijn, et al (US Patent 5,600,790) in further view of Ogata, et al (US Patent 5,758,124).

As per claims 1, 2, 7, 8, 9, 14, and 15 Barnstijn, et al discloses:

A method for...developing an application/a method for testing an application/a system for developing an application.../at least one program for testing an application...(Col. 12, lines 14-20, Col. 14, lines 40-46):

wherein when the application is executed on the development system/executing the application on the development system...(Col. 10, lines 54-60).

Art Unit: 2765

executing the application on the point of sale equipment...(Col. 12, lines 22-26)

allowing a developer to provide input; and providing the input to the application...(Col. 3, lines 22-29).

Barnstijn, et al fails to teach the following, however Ogata, et al discloses:

providing an emulation module.../an emulation module...(Col. 5, lines 51-67)

ensuring that the application will utilize.../ensuring that the application adequately utilizes.../means for ensuring.../wherein the application is capable of utilizing.../emulating the interaction...(Col. 10, lines 54-60).

providing an emulation object.../an emulation object...(Col. 5, lines 51-58, where the examiner is interpreting the 'object' as the 'kernel').

It would have been obvious to one of ordinary skill in the art to incorporate Ogata, et al's emulation module into Barnstijn, et al's system because in order to make sure that the application being developed can be successfully emulated and executed on the targeted system (which in the applicant's case is the point of sale equipment), one would need an emulation module further including objects for functionality purposes.

Art Unit: 2765

As per claims 5, 6, 12 and 13, Barnstijn, et al fails to teach the following, however Ogata, et al discloses:

wherein the point of sale equipment includes a driver...(Col. 1, lines 46-48)

wherein the emulation object emulates the driver and the device...(Col. 10, lines 17-27).

It would have been obvious to one of ordinary skill in the art to include a driver which the emulation object emulates because drivers are needed in order to control the input and output operations of whatever device is being used and in order to emulate the device, one would need to go through the driver first.

3. Claims 3, 4, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnstijn, et al (US Patent 5,600,790) in further view of Ogata, et al (US Patent 5,758,124) in further view of Weber (US Patent 5,812,668).

As per claims 3, 4, 10, and 11 neither Barnstijn, et al or Ogata, et al teach the following, however Weber discloses:

wherein the application is platform independent...(Col. 7, lines 11-14).

wherein the application is a JAVA application...(Col. 7, lines 15-17).

Art Unit: 2765

It would have been obvious to one of ordinary skill in the art to make the application and the emulation object platform independent because in a computer environment, applications are constantly being changed around and depending on these changes and the needs of the user, the platforms will also need to change in order to fit the environment. It would have been obvious to one of ordinary skill in the art to make the application and the emulation object JAVA applications because JAVA is a common, distributed programming language that is simple and is used for object-oriented programming in the application development art.

Conclusion

4. An inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba Robinson-

Boyce whose telephone number is (703) 305-1340. The examiner can normally be reached on Monday-Friday from 6:30 AM-3:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen MacDonald, can be reached on (703) 305-9708.

Application/Control Number: 09/207130

Page 6

Art Unit: 2765

The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3988.

An inquiry of a general nature or relating to the status of this application proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Akiba Robinson-Boyce

Patent Examiner

Group Art Unit 2765

March 7, 2000



ERIC W. STAMBER
PRIMARY EXAMINER